

**AFFIDAVIT**

I, John Pickens, a Detective with the Kansas City, Missouri Police Department Drug Enforcement Unit, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property — the electronic devices — which are currently in law enforcement possession, and the extraction from that property of electronically stored information, described in Attachment A, that is related to the sale, distribution and transportation of illegal controlled substances.
2. I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.
3. I am a Detective (Det.) with the Kansas City, Missouri Police Department (KCPD), and have been so employed since September, 1998. In connection with my official duties, I investigate criminal violations of the Controlled Substances Act, among other crimes. I have received specialized training in the enforcement of federal narcotics laws and other laws. My training and experience has involved, among other things, (a) the debriefing of defendants, witnesses, and informants who have knowledge of the distribution and transportation of controlled substances, and of the laundering and concealment of proceeds of drug trafficking; (b) surveillance; (c) analysis of documentary and physical evidence; and (d) participation in wire intercept investigations. Based on my training and experience as a KCPD detective, I have become familiar with the manner in which narcotics traffickers conduct their drug-related businesses, including the methods employed by narcotics distributors to import and distribute controlled substances including cocaine, methamphetamine, heroin, and marijuana. I am trained in the use of coded language to refer to narcotics, drug proceeds, and other aspects of narcotics trafficking.

**Controlled Substance Distribution**

4. Based on my training and experience, I am familiar with how controlled substances are manufactured, obtained, diluted, packaged, distributed, sold, and used. Further, I know that:
  - a. Individuals who deal in illegal controlled substances commonly maintain addresses and/or telephone numbers in mobile telephones, utilizing the internal mobile phone electronic storage, which reflect names, addresses and/or telephone

numbers for their associates, to include sources of supply, distributors, and customers, in their criminal organizations. In addition to continuing their illegal businesses, these individuals utilize mobile telephone systems to maintain contact with their criminal associates. Based on my training and experience, I know that individuals engaged in the sales and distribution of illegal controlled substances commonly use multiple cellular telephones, telephone numbers, and change out SIM Cards in cellular telephones, in order to thwart law enforcement investigations. In addition, some cellular telephones on the market today are considered “smart phones”. Smart phones allow the user to store large amounts of data to include; emails, photos, videos, notes, contact lists, social media, text messages, etc. Through my training and experience I know individuals who deal in illegal controlled substances utilize smart phones to further their criminal enterprise via text messaging, emails, instant messaging and social media. Furthermore, drug traffickers often take, or cause to be taken, photographs of themselves, their associates, their properties, their illegal products, and the cash proceeds from illegal transactions. These individuals usually maintain this data in the internal electronic storage of the mobile telephone.

#### **IDENTIFICATION OF THE DEVICES TO BE EXAMINED**

5. The property, collectively referred to as the “**Devices**”, to be searched is:
  - a. Kyocera blue and black cellular phone.
  - b. A white micro SD or SIM card has the following printer on one side: 8901260322, 916965225F, 02.03 and a small blue square.
  - c. LG black cellular phone in a black and red protective case.
  - d. Sanyo silver and grey flip open type cellular phone with “Liberty Mobile” marked in white print on the front and “QUALCOMM 3G CDMA” imprinted on the back.
6. The **Devices** are currently located at the Drug Enforcement Unit office of the Kansas City, Missouri Police Department, Kansas City, Missouri. The applied-for warrant would authorize the forensic examination of the **Devices** for the purpose of identifying electronically stored data.

#### **PROBABLE CAUSE**

1. In March 2019, a confidential human source (hereinafter “CHS”) provided information to members of the Kansas City, Missouri Police Department concerning a person from the Leavenworth, Kansas area, whom the CHS had been supplying with methamphetamine. Law enforcement later identified this person as Joshua A. BROWN, W/M, 07-23-1983. A computer check of BROWN revealed him to have a

felony parole violation warrant out of the State of Missouri, a felony warrant out of Platte County, Missouri and a felony warrant out of Johnson County, Kansas.

2. The CHS advised investigators that BROWN would contact the CHS utilizing multiple telephone numbers and Facebook Messenger to negotiate narcotics transactions. The CHS further advised that BROWN would do this approximately three to four times a week, for the preceding two months.
3. On March 26, 2019, the CHS contacted investigators and informed them BROWN was enroute to the Woodspring Suites Hotel, located at 8805 Leeds Road, Kansas City, Jackson County, Missouri. 8805 Leeds Road is located in the Western District of Missouri.
4. The CHS advised investigators that BROWN had contacted the CHS by telephone to arrange a narcotics purchase. The CHS advised BROWN was looking to obtain approximately 1 kilogram of methamphetamine. When the CHS contacted investigators, the CHS advised that BROWN was immediately enroute to the CHS's hotel to complete the transaction.
5. Prior to investigator's arrival, the CHS notified detectives that BROWN was at the hotel. Investigators thereafter established surveillance at 8805 Leeds Road. Detective Manley observed BROWN exit the northern most door of the Woodspring Suites Hotel carrying a red backpack. BROWN was accompanied by another white male, later identified as Codi Cunningham. Investigators observed BROWN enter the driver's seat of a gold Volkswagen Jetta, Missouri license CM6-U2Z. Investigators observed Cunningham enter the passenger seat. Thereafter, BROWN started the vehicle. Members of the Kansas City, Missouri Police Department then moved into the parking lot of the Woodspring Suites Hotel and conducted a felony car check of BROWN.
6. BROWN was taken into custody and positively identified. A custodial search incident to the arrest of BROWN showed him to have, on his person in his waistband, a Smith & Wesson .45 caliber semi-automatic handgun, with serial number HDJ8791. The handgun was loaded with one live round in the chamber and six live rounds of ammunition in its magazine. A computer check of the Smith & Wesson handgun's serial number revealed it to be a stolen firearm out of Leavenworth, Kansas.
7. A computer check revealed that Cunningham had an outstanding warrant out of Bates County, Missouri. The computer check further revealed Cunningham to be a convicted felon. A firearm was discovered on the passenger seat of the gold Volkswagen Jetta where Cunningham had been sitting and thereafter, he was placed under investigative arrest for being a felon in possession of a firearm.
8. Sergeant Hernandez with the Kansas City, Missouri Police Department contacted the manager of the Woodspring Suites Hotel in regard to the arrest and police presence at

the hotel. The manager requested that Sergeant Hernandez remove the gold Volkswagen Jetta from the property due to the arrest of the driver, BROWN. An inventory of the Volkswagen Jetta prior to towing revealed a red backpack on the driver's side rear seat. The red backpack contained an Iver Johnson Arms .32 caliber revolver bearing serial number 43626, an Arminus Titan Tiger .38 caliber revolver serial number 0097580 and an Iver Johnson Arms .45 caliber revolver serial number 41055. Also located inside the red backpack was a blue 'Nike' brand bag. Inside the 'Nike' brand bag was approximately 740.7 grams of methamphetamine. The methamphetamine field tested by Sergeant Davis showing a positive reaction for the presence of methamphetamine. The 'Nike' brand bag further contained 23.7 grams of marijuana. The marijuana was field tested by P.O. Collier showing a positive reaction for the presence of marijuana.

9. BROWN has felony convictions out of Platte County, Missouri under criminal case 16AE-CR01528-01 for the Possession of a Controlled Substance, Resist Arrest Creating a Substantial Risk of Serious Injury/Death and Unlawful Use of a Weapon.
10. On March 26, 2019 Detective Pickens presented BROWN with a Miranda Waiver Form prior to questioning. BROWN signed the Miranda Waiver Form stating he understood his rights. During the interview BROWN admitted to possessing the firearm located on his person at the time of his arrest. BROWN further admitted to possessing the 740.7 grams of methamphetamine located in the gold Volkswagen Jetta. BROWN admitted to possessing the three additional firearms located inside the red backpack. BROWN stated he traded methamphetamine for the firearms located inside the red backpack. BROWN stated he purchased the Smith & Wesson firearm found on his person at the Woodspring Suites for two-hundred and fifty dollars. BROWN admitted he knew it was illegal for him to be in possession of a firearm.
11. A computer check of the serial numbers on the Smith & Wesson .45 caliber handgun, Iver Johnson Arms, .32 caliber revolver and the Iver Johnson Arms, .45 caliber revolver responded as stolen firearms.
12. The gold Volkswagen Jetta, bearing Missouri license CM6-U2Z, VIN: 3VWDX7AJ5DM230565 was later discovered to be a reported stolen vehicle out of Leavenworth, Kansas.
13. During a custodial search of BROWN incident to arrest, officers located a blue and black Kyocera cellular phone in his right rear pant pocket. Officers further located a white micro SD card or SIM card in the front right pant pocket of BROWN. The white micro SD or SIM card has the following printer on one side: 8901260322, 916965225F, 02.03 and a small blue square.
14. During the inventory of the vehicle, officers located a "LG" black cellular phone in a black and red protective case on the driver's seat floorboard of the 2013 gold Volkswagen where BROWN was seated.

Case Nos. 19-SW-0106-MJW (SWH)  
19-SW-0107-MJW (SWH)  
19-SW-0108-MJW (SWH)  
19-SW-0109-MJW (SWH)

15. During the inventory of the vehicle, officers located a Sanyo silver and grey flip open type cellular phone with "Liberty Mobile" marked in white print on the front and "QUALCOMM 3G CDMA" imprinted on the back. The described phone was located inside a red backpack on the rear driver's side seat of the 2013 gold Volkswagen Jetta. It should be noted the cellular phone was in the same bag as the methamphetamine and firearms.

16. A black and Silver "LG" smart phone was located on the ground near the front passenger side of the 2013 Volkswagen Jetta.

### **CONCLUSION**

I believe probable cause exists for the issuance of a search warrant to search the **Devices** identified herein, for electronically stored information, as identified in Attachment A, pertaining to BROWN's arrest and involvement in drug trafficking. Further, I believe the electronically stored information will establish BROWN's narcotics distribution network.

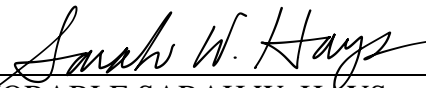
Further, your Affiant sayeth not.

**Presented by reliable electronic means and sworn to telephonically**

DETECTIVE John Pickens  
Kansas City Missouri Police Department  
Drug Enforcement Unit

**Sworn to by phone**

~~Subscribed to and sworn to before me~~  
~~this 4<sup>th</sup> day of April 2019.~~ this 5th day of April 2019.

  
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HONORABLE SARAH W. HAYS  
United States Magistrate Judge  
Western District of Missouri